

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Leatherman *et al.*

Serial No. 09/500,094

Filed: February 8, 2000

For: **INTERNET CAPABLE BROWSER DISPENSER ARCHITECTURE**

Examiner: Wasylchak, S. R.

Art Unit: 3651

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**DECLARATION UNDER RULE 37 CFR 1.131**

1. We hereby declare that we are joint inventors of the invention disclosed and claimed in U.S. Patent Number 6,052,629, entitled **INTERNET CAPABLE BROWSER DISPENSER ARCHITECTURE**, filed July 18, 1997.
2. We are further the joint inventors of the above-identified application, which is a divisional application of U.S. Patent 6,052,629.
3. Prior to October 21, 1996, we were in possession of the invention underlying the present application present in our invention disclosure document, Disclosure Number GIL-96-21 (hereinafter "Invention Disclosure") attached as Exhibit A.
4. The Invention Disclosure document further indicates that our invention in the Invention Disclosure was conceived prior to October 21, 1996.
5. The claims pending in the present application 29-35 and 49-55 claim an invention that is disclosed in our Invention Disclosure.
6. The Invention Disclosure clearly illustrates the fully developed concept of the Present Invention to a degree sufficient for one of ordinary skill in the art to practice the Present Invention.
7. Further, the Invention Disclosure indicates that the concept began development in October 1996.

8. We considered additional design details in an effort to determine what would be necessary to reduce our invention in the Invention Disclosure to practice between October 1996 and December 1996.

9. After November 1996, a copy of the invention disclosure was given to Mr. Bob Day, a Patent Engineer in the legal department at Gilbarco, to schedule for presentation to the Gilbarco Patent Committee.

10. After December 1996, Mr. Steven Terranova, replaced Mr. Bob Day as a Patent Engineer at Gilbarco and Mr. Terranova scheduled our Invention Disclosure for a presentation to the Gilbarco Patent Committee in January 1997.

11. The Gilbarco Patent Committee met in January 1997, and we presented our invention to the Gilbarco Patent Committee.

12. The Gilbarco Patent Committee approved the Invention Disclosure to be approved for preparing a patent application for filing at the U.S. Patent & Trademark Office in January 1997.

13. It is our understanding that Mr. Terranova sent a draft copy of the Invention Disclosure to the law firm of Rhodes, Coats, & Bennett to docket and perform a patent search on February 3, 1997.

14. Between February 3, 1997 and February 27, 1997, it is our understanding that the law firm of Rhodes, Coats & Bennett performed a patent search on the Invention Disclosure.

15. Between February 28, 1997 and May, 30, 1997, the law firm of Rhodes, Coats & Bennett, prepared a patent application on our Invention Disclosure.

16. On or about June 1, 1997, we received a first draft of a patent application on the Invention Disclosure from Mr. Terranova to review and make comments.

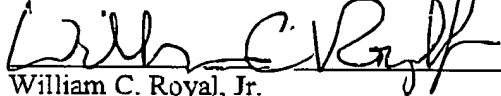
17. One June 30, 1997, Mr. Terranova sent our comments on the draft patent application to the law firm of Rhodes, Coats & Bennett to be incorporated into a subsequent draft.

18. On July 11, 1997, we received a second draft patent application for the Invention Disclosure to review, sign and date for filing at the U.S. Patent & Trademark Office.

19. A patent application on our Invention Disclosure was filed at the U.S. Patent & Trademark Office on July 17, 1997.

20. We hereby acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the application or any patent issuing thereon. All statements made herein are true and made on information and belief are believed to be true.

Russell D. Leatherman

  
William C. Royal, Jr.

Date

2/20/03

Date

# **EXHIBIT A**

DISCLOSURE NUMBER: GIL- 96-21

TITLE: Internet-Capable Browser Dispenser Architecture

This Invention Disclosure is the property of GILBARCO INC. and it is available only to authorized persons. This document is for CONFIDENTIAL use only and are not to be disclosed in any manner in whole or in part, except in accordance with established approval procedures.

## Brief Abstract of the Invention:

The following invention provides a platform for creating multimedia applications at the gasoline dispenser or Point of Sale using a graphical Internet World Wide Web-browser user interface. Such a system utilizes HTML (and HTML-compliant components, media players, and services) to provide a user interface that treats components of the pump operation in the same manner that interactivity is accomplished on the Internet. For local services, the pump acts as a client to request services from a backroom server providing local services for pump operation and display content. Or, for external services, the pump connects to remote services outside the service station, utilizing the same browser interface, for access to Internet resources.

Please answer the following questions:

## 1. CONCEPTION OF INVENTION

a) What was the problem that led to this invention? The current InfoScreen is not capable of interacting with customers using external audio, video or graphics material. Also, external connection of the InfoScreen to remote services outside the normal station operation is not possible.

b) First disclosure to others (oral or written)? Written

c) Date of first disclosure? 6/27/95

To whom? Dave Kaehner

d) Date of 1st sketch or drawing (attach copy)? None available

e) Location of sketch or drawing?

f) Date of 1st written description? 6/26/95

g) Location of written description (attach copy)? Gilbarco

10/25/96

INVENTOR(S)

(1) Russel Dean Leatherman  
Signature and date (1" name in full)

(2) William C. Curry, Jr. 10/25/96  
Signature and date (1" name in full)

John C. Greene 10/29/99  
Read and understood by witness (sign and date)

Russel Dean Leatherman

Print name of inventor

William Curry Royal, Jr.

Print name of inventor

John C. Greene

Print name of witness

## 2. DEVELOPMENT OF INVENTION

- a) Date when development was started ? Oct 96  
 b) Is a model or prototype available ? None  
 c) Location of model or prototype ?  
 d) Date of 1st test ?  
 e) Where and how recorded ?

TITLE:

3. FIRST DISCLOSURE OUTSIDE OF GILBARCO

- a) Has the invention been disclosed to anyone outside of Gilbarco ? No  
 b) Has the invention been published in any manner ?  
 c) Dates of disclosures  
 d) Give details of the disclosure

## 4. FIRST COMMERCIAL USE OR SALE

- a) Has the invention been shown, given, used, tested, or advertised for sale outside of Gilbarco ? No  
 b) Date  
 c) To Whom & Where ?  
 d) Has any contract been signed to supply invention to others?

(1) Russel Dean Leatherman (02/25/96)

Signature and date (1" name in full)

Russel Dean Leatherman

Print name of inventor

INVENTOR(S)

(2) William C. Royal, Jr. 10/25/96

Signature and date (1" name in full)

William Curry Royal, Jr.

Print name of inventor

John C. Greene 10/22/96

Read and understood by witness

(sign and date)

John Clay Greene

Print name of witness

## 5. DESCRIPTION OF DISCOVERY

a) What advantages does your invention have over than previous approaches ?

In the current development of interactive multimedia, the common approach is to integrate video into the design of digital systems in order to facilitate interactivity with the customer. A basic interaction would be, for example, to allow the customer to order a product that is (at that time) being depicted on the video screen. The InfoScreen system currently only allows "mass media" marketing with no interaction (merchandising) taking place between the customer and the video/graphic advertising message.

The embodied invention would use a Graphical Browser client to perform interactive pump functions. This Browser would be characterized in systems nomenclature as a thin client because the hardware commitment would only be that needed to establish interactivity with the user. All other compute-intensive services involving merchandising and business rule interpretation would be handled in systems nomenclature as services. Some of these services could run on the Point-of-Sale device traditionally found in gasoline stations and merchandising systems. However, the client software could, by definition, have the ability to request services either local (on the POS) or remote, via the Internet. POS functions could also be accomplished as remote services to the client.

With such a system, making interactive video/graphic presentations to a customer and offering the customer selections for services and merchandise is possible. It also can be used to increase the functionality of the customer interaction to processes providing information and services which are outside the Pump/POS system. This architecture also supports supplementing current information/prompting messages for customer transactions with content from a remote, Internet-based server. This content would be generated from merchandising services on the Internet that would be too costly or impossible to reproduce from the confines of the local Pump/POS system. Local services such as order entry for fast food or video intercom for local or remote site access could also be easily accomplished.

b) Does your invention solve the problem in more than one way ?

Yes, this system defines an architecture that would allow the above problem to be solved in two ways. The two solutions would be local or remote access to information or process services.

a) If so, which way is the best ? depends on application

## 6. CLOSEST PRIOR PUBLICATIONS, PATENTS, INVENTION DISCLOSURES AND PRIOR PRODUCTS OR USES

Don't know of any.

(1) Russel Dean Leatherman 10/25/96  
Signature and date (1<sup>st</sup> name in full)

(2) William C. Royal, Jr. 10/25/96  
Signature and date (1<sup>st</sup> name in full)

INVENTOR(S)

John C. Greene 10/28/96  
Read and understood by witness  
(sign and date)

William Curry Royal, Jr.

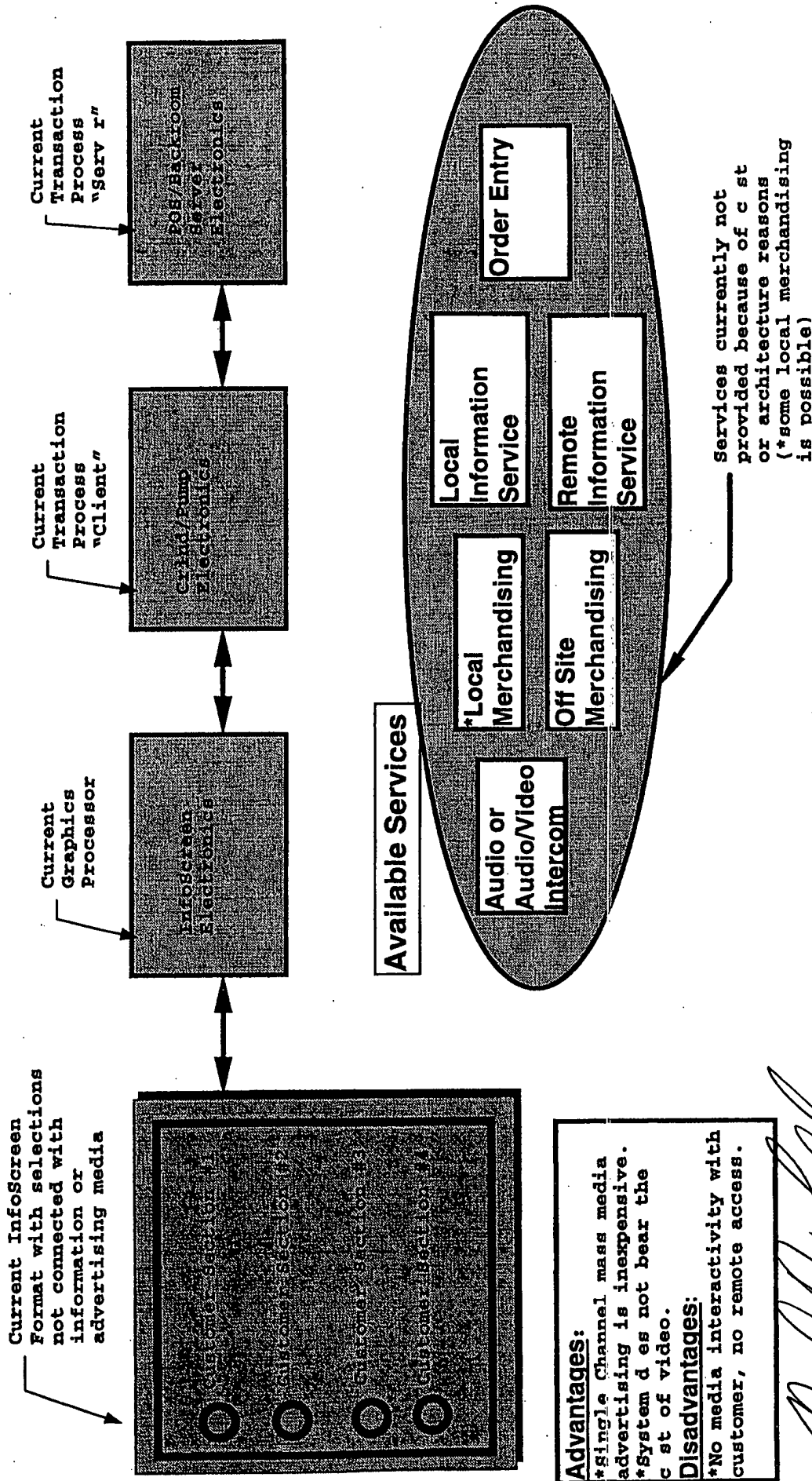
Print name of inventor

John Clay Greene

Print name of witness

TITLE: Internet-Capable Browser Dispenser Architecture

Figure 1: Current InfoScreen System



INVENTOR(S)

(2) William C. Curry, Jr. 10/28/96  
Signature and date (1" name in full)

John C. Greene 10/28/96  
Read and understood by witness (sign and date)

William Curry Royal, Jr.  
Print name of inventor

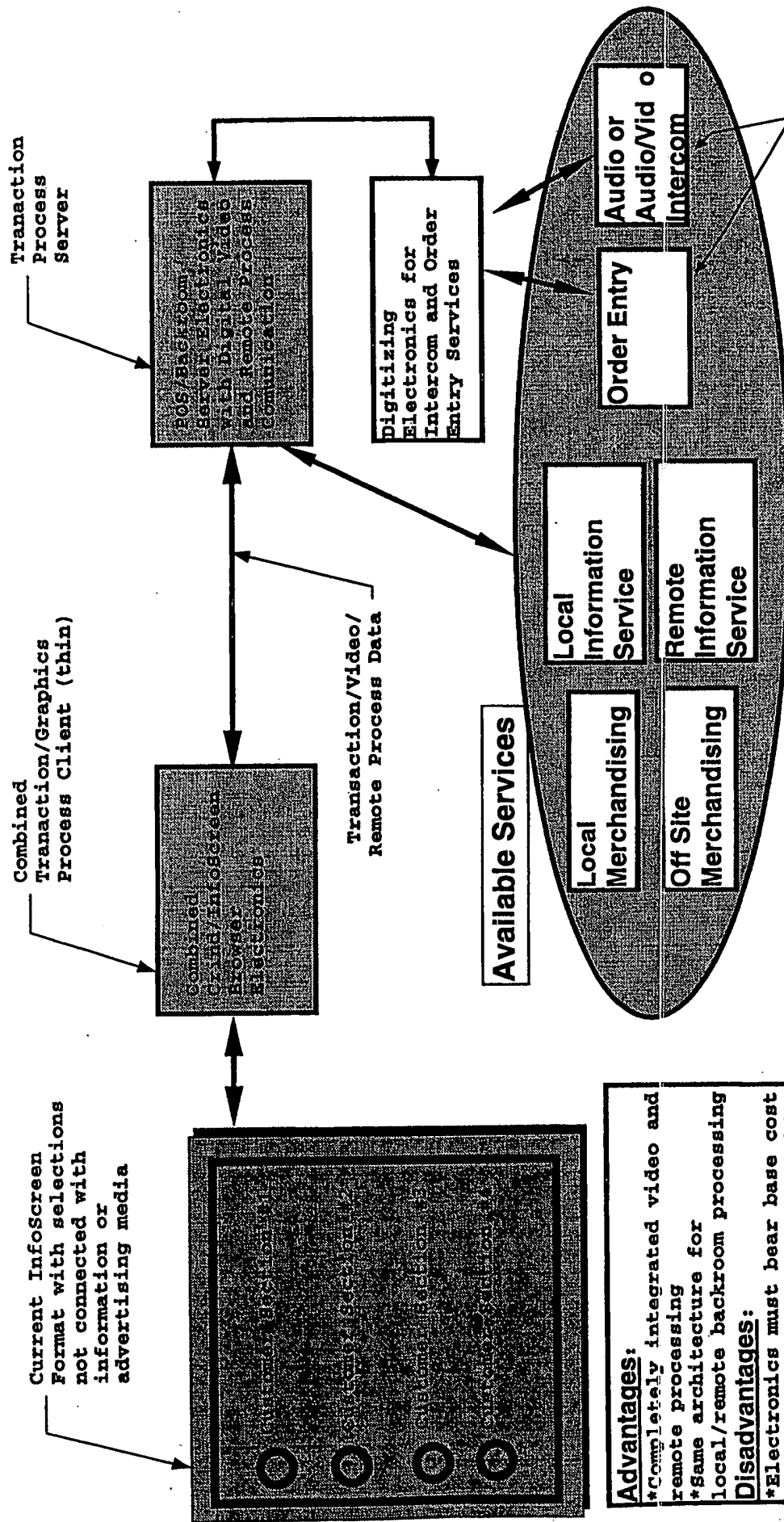
John Clay Greene  
Print name of witness

(1) Russell Dean Leatherman  
Signature and date (1" name in full)

Russell Dean Leatherman  
Print name of inventor



Figure 2: Browser-Enhanced System with Integrated Digital Video, Remote Access

**Advantages:**

- \*Completely integrated video and remote processing
- \*Same architecture for local/remote backroom processing

**Disadvantages:**

- \*Electronics must bear base cost of integration, making non-video system more expensive.

(optionally) Order Entry and Intercom services could communicate directly with Disp user/Browser Electronics

(1) *Russ I Dean Leatherman* 10/25/96  
Signature and date (1st name in full)

Russ I Dean Leatherman

Print name of inventor

(2) *William C. Greene* 10/25/96  
Signature and date (1st name in full)

William Curry Ryal, Jr.

Print name of inventor

*John C. Greene* 10/28/96  
Read and understood by witness (sign and date)

*John Clay Greene*  
Print name of witness